

In the Supreme Court of the State of Alaska

C.D. (Minor),

Petitioner,

v.

State of Alaska,

Respondent.

Supreme Court No. **S-17447**

Order

Date of Order: **7/2/2019**

Trial Court Case No. **3AN-16-00004DL**

Before: Bolger, Chief Justice, Winfree, Stowers, Maassen, and Carney, Justices

After considering the parties' briefing and oral arguments, the court **ORDERS** that (1) the superior court's decision granting the State's petition to waive juvenile jurisdiction is **VACATED** and the matter is **REMANDED** to the superior court — without a change of judge on remand — for expedited further proceedings on the State's petition, and (2) C.D. shall be given the opportunity to testify with the understanding that, if C.D. chooses to testify, he is entitled to immunity from use or derivative use of his testimony by the State in any subsequent proceeding to determine his guilt or delinquency. *See generally McCracken v. State*, 612 P.2d 990, 998 (Alaska 1980) (reaching similar decision in analogous context). We leave it to the superior court to resolve any disputes whether other evidence presented by C.D. shall be entitled to the same protection. *See id.*

A formal opinion explaining the basis for this order will follow.

Entered at the direction of the full court.

Clerk of the Appellate Courts


Meredith Montgomery

cc: Judge Kevin M. Saxby
Anchorage Probate Appeals Clerk
Supreme Court Justices
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